

Message Text

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AMCONSUL DURBAN

AMCONSUL JOHANNESBURG

UNCLAS PRETORIA 2382

E.O. 11652: N/A

TAGS: PINS, WA

SUBJ: LATEST COURT DECISION ON SWA FLOGGINGS

REF: PRETORIA 1601, 1495, 1218

1. SOUTH AFRICA'S SUPREME COURT IN BLOEMFONTEIN HAS GRANTED BISHOP LEONARD AUALA, BISHOP RICHARD WOOD AND MR. THOMAS KOMATI LEAVE TO APPEAL SWA SUPREME COURT DECISION EARLIER THIS YEAR WHICH DISMISSED THEIR APPLICATION FOR A FINAL INTERDICT AGAINST POLITICAL FLOGGINGS BY OVAMBO TRIBAL AUTHORITIES. THIS MEANS THAT SA SUPREME COURT HAS AGREED TO HEAR THE CASE AND RENDER A FINAL JUDGMENT. TIMING OF JUDGMENT UNCERTAIN, INASMUCH AS SUPREME COURT WILL NOT TURN TO THIS CASE UNTIL IT DISPOSES OF OTHER CASES ON ITS CALENDAR.

2. AFTER LEAVE TO APPEAL WAS GRANTED LATE LAST MONTH, AUALA, WOOD AND KOMATO ONCE AGAIN APPLIED FOR TEMPORARY INTERDICT LAGAINST FLOGGINS PENDING OUTCOME OF APPEAL. RAND DAILY MAIL REPORTED JUNE 4 THAT DECISION ON THIS LATEST APPLI- CATION WAS EXPECTED TO BE RENDERED THIS WEEK. HOWEVER, EMBASSY INFORMED BY WINDHOEK SOURCE THAT SWA SUPREME COURT HAS RECERVED JUDGMENT AND DECISION IS NOT RPT NOT IMMINENT.

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3. SOUTH AFRICAN SUPREME COURT DECISION REPRESENTS FIRST

SUCCESS OPPONENTS OF FLOGGINGS HAVE HAD. FINAL DECISION
COULD, OF COURSE, GO AGAINST THEM. HOWEVER, THEIR
PERSISTENT EFFORTS OVER PAST FEW MONTHS HAVE KEPT ISSUE
BEFORE PUBLIC AND MIGHT HAVE HAD SOME RESTRAINING EFFECT ON
AUTHORITIES IN OWAMBO. IN ANY EVENT, THERE HAVE BEEN ONLY
TWO KNOWN INSTANCES OF POLITICAL FLOGGINGS IN PAST TWO
AND A HALF MONTHS, LAST ONE OCCURING TWO MONTHS AGO.
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